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SIPDIS

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TAGS: [PGOV](#) [KCRM](#) [KDEM](#) [ASEC](#) [KE](#)
SUBJECT: GOK FORMS POLICE REFORM COMMISSION

Classified By: DCM Pamela J. Slutz for reasons 1.4(b and d)

11. (C) On May 7 President Mwai Kibaki launched a Police Reform Commission (PRC) to review existing policies and structures of Kenya's police services and to make recommendations for appropriate institutional arrangements to oversee comprehensive police reforms. The PRC's terms of reference are largely in line with the recommendations of the report of the Commission of Inquiry into Post-election Violence (CIPEV) and special emphasis is place on operationalizing an Independent Police Oversight Authority - a necessary step to reining in police impunity. The PRC will be led by retired Kenyan Justice Philip Ransley. Ransley and the seven additional commissioners named by Kibaki have solid reputations, according to our contacts. However, several prominent persons have expressed doubts about the government's motives in establishing the PRC. They note that the PRC's short, 90-day mandate is far too little for such a massive task and that Police Commissioner Hussein Ali will act to thwart all but superficial reforms. We share some of these doubts, but will take a wait-and-see approach, recognizing that the PRC provides an oppportunity - the only one at this time - for much-needed police reform. The UK shares our doubts, but will support the commission financially by paying for a UK and a Commonwealth police expert to serve on the PRC. If the GOK acts to implement real reform we are positioned to support the effort with 1207 funds.
End Summary.

The Mandate

12. (U) On May 7, President Kibaki launched the Police Reform Commission (PRC), which is tasked with undertaking a top-to-bottom review of the existing policies and structures of Kenya's police services and to make recommendations for appropriate institutional arrangements to oversee comprehensive police reforms, including recommendations on establishment of an Independent Police Oversight Authority. The PRC is also expected to draft a Police Reforms Bill to provide the legislative framework for police reform. The PRC will have 15 commissioners and will be led by retired Kenyan Justice Philip Ransley. Ransley and the seven additional commissioners named by Kibaki have solid reputations, according to our contacts. The other members will be the Attorney General, the Permanent Secretaries for Internal Security, Finance, Justice, and Public Service ministries. The Chairs of the Law Reform Commission and the Kenya National Commission for Human Rights will also be members, as will the Director of the Kenya Institute for Public Policy Research and Analysis. The terms of reference are largely in line with the recommendations of

the Commission for Inquiry into Post-election Violence (CIPEV - also known as the Waki Commission), which made sweeping recommendations for police reform (Reftel). The formation of the PRC is a long overdue step, as the CIPEV report from which the PRC borrows heavily was released in October 2008. Taken at face value, it represents a hopeful first step in a much-needed reform of Kenya's police forces.

Backpedaling On Police Reform?

¶3. (C) However, several contacts have told us that the government has formed the PRC to engage in superficial police reforms. For example, former Minister of Justice, National Cohesion and Constitutional Affairs Martha Karua argued that the government was using the PRC as a back door to avoid some of the CIPEV report's deeper reform proposals, such as merging the Kenya Police Service with the Administration Police. Karua stated that the Cabinet had approved the CIPEV report, but that the PRC's terms of reference only require that it "take cognizance of recommendations" of the CIPEV and other reports touching on police reform. Others skeptically noted the discrepancy between the wide scope of the work demanded of the PRC and the 90 day mandate it has been given, concluding that the government was not prepared for a full discussion of police reforms. Skeptics also point out that Police Commissioner Hussein Ali will continue to thwart all but the most superficial reforms. The fear that the PRC represents a minimal-reform approach appeared to have been confirmed by Minister of Internal Security and Provincial Administration

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George Saitoti who was quoted in local media saying that only "normal reforms are required (like) looking into the welfare of officers, adequate facilities to increase the morale and efficiency" of the police. Saitoti subsequently claimed he was misquoted, but he also told Assistant Secretary Johnnie Carson that what was needed in police reform was "evolution, not revolution."

Comment

¶4. (C) We are taking a wait-and-see approach to the PRC. We acknowledge the doubts of Karua and other skeptics that the PRC may indeed be another in a long line of inconsequential Kenyan commissions. However, we also recognize that the PRC currently provides the only vehicle for much-needed police reform. The UK shares our doubts, but has decided to support the commission financially by paying for a UK and a Commonwealth police expert to assist the PRC. We are well-positioned to support actual reforms should they be forthcoming. Post is prepared to use \$720,000 in 1207 funds to assist police reform, possibly to assist the establishment of an independent oversight authority or to retrain police in line with revised rules of engagement and tactics. The DCM will shortly meet with some of the recently-appointed PRC commissioners to discuss their plans for the body. We will continue to follow the issue closely.

RANNEBERGER